

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHERWIN COOPERSTEIN, BY)	
ALICE COOPERSTEIN, POA, AND)	
ALICE COOPERSTEIN,)	
Plaintiff)	CIVIL ACTION
)	NO. 04-12099 GAO
v.)	
)	
ROBERT M. DAVIS, M.D. AND)	
CAPE COD HEALTH CARE, INC.,)	
Defendants)	

**ANSWER OF THE DEFENDANTS, ROBERT M. DAVIS, M.D., AND
CAPE COD HEALTH CARE, INC. TO PLAINTIFFS' AMENDED COMPLAINT**

Jurisdiction and Venue

The defendants, Robert M. Davis, M.D. and Cape Cod Health Care, Inc., hereby responds to the plaintiffs' amended complaint, paragraph by paragraph, as follows:

1. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.

2. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.

3. The defendants admit the allegations contained in this paragraph.

4. The defendants admit the allegations contained in this paragraph.

5. The defendants deny the allegations contained in paragraph.

6. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.

7. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.

First Count

1. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiffs for proof of the same.

2. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the plaintiffs' complaint and therefore deny these allegations and calls upon the plaintiff for proof of the same.

3. The defendant Robert M. Davis admits that at all relevant times he was a physician licensed to practice in the Commonwealth of Massachusetts.

4. The defendants admit the allegations contained in this paragraph.

5. The defendants deny the allegations contained in paragraph.

6. The defendants admit that on or about June 22, 2003 Sherwin Cooperstein was seen at the Falmouth Hospital.

7. The defendants admit that among others, and for a finite period of time, the defendant Dr. Davis was involved in providing medical care to Mr. Cooperstein.

8. On information and belief, the defendants admit that at some point in time Mr. Cooperstein was transferred.

9. The defendants deny the allegations contained in paragraph.

10. The defendants deny the allegations contained in paragraph.

11. The defendants deny the allegations contained in paragraph.

12. The defendants deny the allegations contained in paragraph.

13. The defendants deny the allegations contained in paragraph.

14. The defendants deny the allegations contained in paragraph.

15. The defendants deny the allegations contained in paragraph.

COUNT II

1-10. The defendants reaffirm their responses as set forth in all previous paragraphs.

11. The defendants deny the allegations contained in paragraph.

12. The defendants deny the allegations contained in paragraph.

13-15. The defendants incorporate by reference all previous responses.

WHEREFORE the defendants demand that the plaintiff's complaint be dismissed together with costs and attorneys fees.

Respectfully submitted,
ROBERT M. DAVIS, M.D. and
CAPE COD HEALTH CARE, INC.,
By its attorneys,

/s/ Edward T. Hinchey
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Dated: April 7, 2005

CERTIFICATE OF SERVICE

I, Edward T. Hinchey, counsel for defendant, do hereby certify that on April 7, 2005, I caused to be served a true copy of the foregoing upon the parties by mailing same, postage prepaid, first class mail, to their counsel of record:

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/s/ Edward T. Hinchey
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